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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,373	05/23/2006	Jacques Pernot	MICROM27	2074

7590 04/10/2007  
Gary M Cohen  
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EXAMINER
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WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

H1

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,373	<b>Applicant(s)</b> PERNOT ET AL.	
	<b>Examiner</b> John J. Wilson	<b>Art Unit</b> 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13 is/are rejected.
- 7) ☒ Claim(s) 8-12 and 14-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 4) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/8/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 8-12 and 14-32 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may not depend, directly or indirectly, for another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no adequate description of showing in the drawings of how to make and use the embodiment of parallel displaced axis as claimed. It would require more than routine experimentation by one of ordinary skill in the art to determine how to make a single piece body and head with parallel displaced axes as claimed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi (5011408). Nakanishi shows a handpiece 10 having a body 13 and head 12 formed as a single piece, see Fig. 1, a head opening to allow assembly of component parts, see 18 in Fig. 1, a body opening to allow assembly of component parts, see 21 in Fig. 1, and shows a body opening at the other end, see Fig. 4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Kuhn (7074041). Nakanishi shows the structure as described above, however, does not show a head at an angle of between 100-130 degrees with respect to the body. Kuhn shows a single piece body and head where the head is at an angle of 100 degrees with respect to the body, see W2, column 3, lines 22-27. It would be obvious to one of ordinary skill in the art to modify Nakanishi to

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include an angled head as shown by Kuhn in order to better take into account the anatomy of the mouth.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Lincoln (274008). Nakanishi shows the structure as described above, however, does not show a head on a parallel displaced axis with respect to the body. Lincoln shows a head located on a parallel displaced axis with respect to the body as shown. It would be obvious to one of ordinary skill in the art to modify Nakanishi to include a head oriented as shown by Lincoln in order to better reach areas within the mouth.

Claims 5-7/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Nemetz et al (6149430). Nakanishi shows the structure as described above, however, does not show a molded head, claim 5, using a polymer, claim 6, or using PEEK material, claim 7. Nemetz teaches forming a handpiece by molding a polymer and teaches using polyphenylene sulfide, column 10, line 44. It would be obvious to one of ordinary skill in the art to modify Nakanishi to include a handpiece made by molding PEEK material as taught by Nemetz in order to produce an economical handpiece in the desired shape.

Claims 5-7/2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Kuhn (7074041) as applied to claims 2 and 3 above,

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and further in view of Nemetz et al (6149430). The above combination does not show a molded head, claim 5, using a polymer, claim 6, or using PEEK material, claim 7.

Nemetz teaches forming a handpiece by molding a polymer and teaches using polyphenylene sulfide, column 10, line 44. It would be obvious to one of ordinary skill in the art to modify the above combination to include a handpiece made by molding PEEK material as taught by Nemetz in order to produce an economical handpiece in the desired shape.

Claims 5-7/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Lincoln (274008) as applied to claim 4 above, and further in view of Nemetz et al (6149430). The above combination does not show a molded head, claim 5, using a polymer, claim 6, or using PEEK material, claim 7.

Nemetz teaches forming a handpiece by molding a polymer and teaches using polyphenylene sulfide, column 10, line 44. It would be obvious to one of ordinary skill in the art to modify the above combination to include a handpiece made by molding PEEK material as taught by Nemetz in order to produce an economical handpiece in the desired shape.

Claim 13/5/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Papanek et al (2002/0168610). Nakanishi shows the structure as described above, however, does not show producing the material by MIM. Papanek teaches forming a handpiece by MIM. It would be obvious to one of ordinary

skill in the art to modify Nakanishi to include a handpiece made by MIM as taught by Papanek in order to provide for economical fabrication.

Claims 13/5/2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Kuhn (7074041) as applied to claims 2 and 3 above, and further in view of Papanek et al (2002/0168610). The above combination does not show producing the material by MIM. Papanek teaches forming a handpiece by MIM. It would be obvious to one of ordinary skill in the art to modify the above combination to include a handpiece made by MIM as taught by Papanek in order to provide for economical fabrication.

Claim 13/5/4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (5011408) in view of Lincoln (274008) as applied to claim 4 above, and further in view of Papanek et al (2002/0168610). The above combination does not show producing the material by MIM. Papanek teaches forming a handpiece by MIM. It would be obvious to one of ordinary skill in the art to modify the above combination to include a handpiece made by MIM as taught by Papanek in order to provide for economical fabrication.

### ***Drawings***

The drawings submitted May 23, 2006 have been found to be acceptable by the examiner.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

The IDS submitted September 8, 2006 has been considered and an initialed copy is attached.

***Specification***

The specification is objected to because the Abstract is tool long.

Headings are suggested for the specification.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**John J. Wilson**  
**Primary Examiner**  
**Art Unit 3732**

jjw  
March 29, 2007